

Ordinance No. 8-09 ORDINANCE: To amend Chapter 18 of the Rockville City Code entitled "Rental Facilities and Landlord-Tenant Relations" so as to conform it to the City's new Zoning ordinance adopted by Ordinance No. 19-08 and to make certain other corrective or clarifying changes

BE IT ORDAINED BY THE Mayor and Council of Rockville that chapter 18 of the Rockville City Code entitled "Rental Facilities and Landlord-Tenant Relations" be amended as follows:

SECTION 1. That Article 1, "In General", Section 18-1 "Definitions" be amended to read as follows:

Chapter 18. Rental Facilities and Landlord-Tenant Relations

Article 1. In General

Sec. 18-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory apartment means a second dwelling unit that is part of, or attached to, an existing [one-family] single detached dwelling unit and which contains cooking, eating, sanitation, and sleeping facilities. [Such a unit] An accessory apartment is subordinate to the main dwelling unit.

* * *

Dwelling unit means a building, or portion thereof, [arranged or designed for use or occupancy as a residence by] providing complete living facilities for not more than one (1) family, as defined by chapter 25 (Zoning). "Dwelling unit" includes accessory apartments. "Dwelling unit" also includes property [which] that is available for use in connection with the occupancy of the dwelling unit.

* * *

[*Multiple-family dwelling* means a building operated as a single entity containing three (3) or more dwelling units rented on a minimum of a monthly basis (an apartment house). "Multiple-family dwelling" does not include buildings containing condominium

or cooperative dwelling units, or other attached dwelling units, where such units are under different ownership.]

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Multiple-unit dwelling means a building containing three (3) or more dwelling units, which may or may not share a common entry.

Rental facility means any structure or portion thereof, or combination of related structures and appurtenances, operated as a single entity, which the owner or operator thereof provides for a consideration one (1) or more dwelling units. "Rental facility" includes [rooming houses, multiple-family dwelling units] rental multiple unit dwelling, [single-family] single dwelling units, accessory apartments, inns, hotels, motels, individual condominium or cooperative dwelling units, etc. "Rental facility" does not include nursing homes, hospices, and other residential medical or psychiatric care facilities.

[*Rooming house* means a rental facility consisting of a single structure in which rooms, without cooking facilities, are furnished as dwelling units to three (3) or more persons for compensation.]

Rental Multiple-unit dwelling (apartment) means a multiple-unit dwelling building operated as a single entity where dwelling units are rented on a minimum of a monthly basis. "Multiple rental unit dwelling" does not include multiple-unit dwelling buildings containing condominium or cooperative dwelling units, or other attached dwelling units, where such units are under different ownership.

[*Single-family*] *Single dwelling unit* means a building containing not more than one (1) dwelling unit plus [an] no more than one accessory apartment approved by special exception pursuant to Chapter 25 (Zoning). For purposes of this chapter only, "[Single-family] "single dwelling unit" also includes attached dwelling units[,] where the units are under separate ownership, including townhouses and cooperative and condominium units within a multiple-unit dwelling.

SECTION 2. that Article II, "Administration", Division 4 "Commission Hearings and Actions" be amended to read as follows:

ARTICLE II. ADMINISTRATION

* * *

DIVISION 4. COMMISSION HEARINGS AND ACTIONS

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Sec. 18-81. Appeal to court.

Any person aggrieved by a final action of the Commission on Landlord-Tenant Affairs rendered under this chapter may appeal to the Circuit Court for the County in accordance with the Maryland Rules as set forth in Title 7, Chapter [1100, Subtitle B] 200.

SECTION 3. That Article III, “Rental Facility Requirements”, Division 2 “License”, and Division 3, “Minimum Facilities Requirements” be amended to read as follows:

ARTICLE III. RENTAL FACILITY REQUIREMENTS

* * *

DIVISION 2. LICENSE

* * *

Sec. 18-112. Classes.

There shall be the following classes of rental facility licenses:

- (1) Innkeeper's license;
- (2) [Multiple-family] Rental multiple-unit dwelling (Apartment) license;
- [(3) Rooming house license;]

[(4)] (3) [Single-family] Single dwelling [rental] unit rental license. Where a [single-family] single dwelling unit contains, or is attached to an accessory apartment, a [single-family] single dwelling unit rental license may only be issued for that part of the building excluding the accessory apartment. In no case may a rental license be issued for a [single-family] single dwelling unit and for an accessory apartment on the same lot;

[(5)] (4) Accessory apartment rental unit license. No license may be issued for an accessory apartment where another rental residential use exists on the same lot.

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Sec. 18-117. Transferability.

(a) [In the event the holder of a license transfers ownership or shall change his address, he shall notify the City Manager within ten (10) days of such change.] A license holder must give the City Manager written notification of any change in address or transfer of property ownership within ten (10) days of such change or transfer.

(b) No license is transferable. Upon sale of a rental facility, the new owner shall file an application for a new rental facility license accompanied by the appropriate fee.

(c) Whenever the ownership of the rental facility changes hands, it shall be the duty of the transferor to notify all tenants of the rental facility of the name, address and office location of the transferee and of the transferee's agent.

DIVISION 3. MINIMUM FACILITIES REQUIREMENTS

* * *

Sec. 18-127. [Multiple-family] Rental multiple-unit dwellings.

All persons required under this chapter to obtain a [multifamily dwelling unit] rental multiple-unit dwelling (apartment house) license shall provide the following minimum facilities and services:

(1) * * *

(2) * * *

(3) * * *

(4) * * *

Sec. 18-128. [Single-family] Single dwelling units.

All persons required under this chapter to obtain a [single-family] single dwelling unit license shall provide the following minimum facilities and services:

* * *

[Sec. 18-129. Rooming houses.

(a) All persons required under this chapter to obtain a rooming house license shall provide the following minimum facilities and services:

(1) At least one (1) flush water closet, lavatory basin, bathtub or shower, properly connected to a water and sewer system and in good working condition, shall be supplied for every four (4) tenants occupying rooms within a rooming house;

(2) Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times;

(3) Curtains, shades, or venetian blinds on all windows;

(4) Each rooming unit entrance door is to be provided with lock and each occupant is to be provided with a key for that lock. The operator shall have a duplicate key for each rooming unit;

(5) Each rooming unit shall be numbered and the number shall be placed on the rooming unit's entrance door;

(6) Every rooming unit shall have safe, unobstructed means of egress leading to safe and open space at ground level, as required by the building code;

(7) Each rooming unit shall contain an electrical smoke detector which is operable at all times.

(b) The preparation, cooking or eating of meals in a rooming unit is prohibited.

(c) The operator of every rooming house shall be responsible for the maintenance and sanitary condition of the entire premises, including the individual rooming units and shall further be responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the operator.]

Sec. [18-130] 18-129. Accessory apartments.

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SECTION 4. That Article IV, "Landlord-Tenant rights and obligations" Division

4. "Landlord Rights and Obligations" be amended to read as follows:

ARTICLE IV. LANDLORD-TENANT RIGHTS AND OBLIGATIONS

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DIVISION 4. LANDLORD RIGHTS AND OBLIGATIONS

Sec. 18-176. Rights.

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Sec. 18-177. Obligation to maintain rental facility and provide services.

(a) The landlord, at all times, shall reasonably provide for the maintenance of the health, safety and welfare of all tenants and of all individuals properly on the premises of a rental facility which obligations shall include, but not be limited to, the following:

(1) * * *

(2) * * *

(3) * * *

(4) * * *

(5) Providing and maintaining appropriate receptacles and conveniences for the removal of ashes, rubbish and garbage, and arranging for the frequent removal of such waste, except in the case of [single-family] single detached dwelling units;

(6) * * *

(b) * * *

Sec. 18-178. Notice requirements.

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Sec. 18-179. Prohibited retaliatory practices.

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SECTION 5. that Article V, “Rental Housing Data Collection and Voluntary Rent Stabilization guidelines” be amended to read as follows:

**ARTICLE V. RENTAL HOUSING DATA COLLECTION AND VOLUNTARY
RENT STABILIZATION GUIDELINES**

Sec. 18-193. Application and effect.

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Sec. 18-194. Voluntary rent guidelines and notice requirements of rent increases.

(a) * * *

(b) Ninety (90) days prior to the effective date of any rent increase, the landlord must provide to the tenant and the Director of Community Development the information set forth below, except that landlords of [single-family] single dwelling units need not provide this information to the Director of Community Development:

(1) * * *

(2) * * *

(3) * * *

(4) * * *

(5) * * *

(6) * * *

(7) * * *

Sec. 18-195. Mandatory reporting requirements.

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NOTE: [Brackets] indicate material deleted.
Underlining indicates material added.
Asterisks * * * indicate material unchanged by this ordinance.

I hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the Mayor and Council at its meeting of March 9, 2009.

Claire F. Funkhouser, CMC, City Clerk

